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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM JAMES WALLACE, II,

Plaintiff,

v.

J. WHITE, et al.,

Defendants.

Case No. 1:20-cv-00844-NONE-EPG (PC)

ORDER REGARDING SUBSTITUTION OF
NAMED DEFENDANT IN PLACE OF DOE
DEFENDANT

William James Wallace, II (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

This case proceeds on Plaintiff’s Eighth Amendment claim for unconstitutional conditions of confinement against Defendants Lopez, Wade, White and John Doe. (ECF Nos. 18, 19.)

As this case proceeds against a Doe defendant, the Court will allow Plaintiff to subpoena documents from the Wasco State Prison that may allow him to identify the Doe defendant. If Plaintiff is able to identify the Doe defendants, he should file a motion to substitute the named individuals in place of the Doe defendants no later than 120 days from the date of service of this order. If Plaintiff fails to identify Doe defendant, this defendant will be dismissed without prejudice.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of Court is directed to send Plaintiff a copy of form AO 88B and a copy of form USM-285;
2. Plaintiff has thirty days from the date of service of this order to complete and return form AO 88B and form USM-285;
3. Plaintiff has 120 days from the date of service of this order to file a motion to substitute named defendants in place of the Doe defendant; and
4. Failure to comply with this order may result in the dismissal of the Doe defendant.

IT IS SO ORDERED.

Dated: July 9, 2021

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE